

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHINISE N. HOBSON,

Plaintiff,

Civil Action No.:

- against -

**NOTICE OF
REMOVAL**

BJ'S WHOLESALE CLUB, INC.,

Defendant.
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**TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK:**

Defendant, BJ'S WHOLESALE CLUB, INC. ("BJ's") (hereinafter "Defendant"), upon information and belief, respectfully petitions the Court, pursuant to 28 U.S.C. 1441, as follows:

1. On or about July 31, 2020, the above-captioned civil action was commenced and is now pending in the Supreme Court of the State of New York, County of Bronx. A trial has not yet been had therein. A copy of the Summons and Complaint is annexed as **Exhibit "A"**. A copy of the affidavits of service are annexed as **Exhibit "B"**.

2. On or about August 13, 2020, Defendant filed its Verified Answer to plaintiff's Complaint. A copy of Defendant's Verified Answer is annexed as **Exhibit "C"**.

3. The action seeks monetary damages for personal injuries allegedly suffered by plaintiff, CHINISE N. HOBSON, after she slipped and fell on dog feces while she was at a BJ's Club located at 825 Pelham Parkway, Pelham, New York. Plaintiff's Complaint sounds in negligence. See Exhibit A.

4. The action involves a controversy between citizens of different states, in that: (a) Plaintiff is a citizen of the State of New York; and (b) Petitioner, Defendant, BJ's is now and was

at the time the action was commenced a corporation incorporated in the State of Delaware with its principal place of business in the State of Massachusetts.

5. This action is one of which the District Courts of the United States have original jurisdiction under 28 U.S.C. § 1332. There is complete diversity between Petitioner and Plaintiff.

6. In addition, annexed as **Exhibit “D”** is plaintiff’s Response to Defendant’s Combined Demands, dated September 24, 2020, and received by the undersigned for the very first time via e-mail on June 3, 2021, in which plaintiff indicated that she is seeking \$1 million in compensatory damages as a result of the alleged accident.

7. This Notice of Removal is being filed within thirty (30) days of receipt of plaintiff’s written allegation that her alleged damages exceed \$75,000. See Exhibit D.

8. Written notice of the filing of this Notice of Removal will be given to plaintiff promptly after the filing of this Notice.

9. A true and correct copy of this Notice of Removal will be filed with the Clerk of the Court of the Supreme Court of the State of New York, County of Bronx, promptly after the filing of this Notice.

10. Attached to this Notice and by reference made a part hereof are true and correct copies of all process and pleadings filed herein.

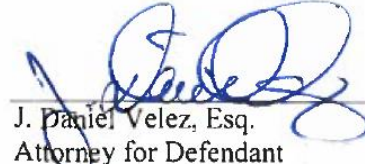
11. By filing this Notice of Removal, Defendant does not waive any defense which may be available to it.

WHEREFORE, Defendant requests that the above-captioned action now pending in the Supreme Court in the State of New York, County of Bronx, be removed therefrom to this Honorable Court.

Dated: Garden City, New York
June 22, 2021

GOLDBERG SEGALLA LLP

By:



J. Daniel Velez, Esq.
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